MR. WHITE'S SPEECH

IN THE

SENATE OF THE UNITED STATES,

ON THE

BILL INTERDICTING ALL INTERCOURSE

BETWEEN THE

UNITED STATES

AND

THE ISLAND OF ST. DOMINGO;

FEBRUARY 20, 1806.

MR. PRESIDENT,

THE Senate have, I believe, decided that this queſtion ſhall be taken by the yeas and nays, otherwiſe I will hereafter make to you that motion, in order to place upon the journals my vote againſt a bill, which, inſtead of going to inhibit, according to the language of the gentleman from Ohio (Mr. Worthington), a diſgraceful commerce, will itſelf, if paſſed under preſent circumſtances, as I conceive, be a diſgrace to this government. We have ſincerely to regret that the information we ſought, on this occaſion, and conſidered ſo neceſſary to the diſcuſſion of the ſubject, has been denied us; and that denial, I will confeſs, was the leſs expected, and the leſs welcome, it being well underſtood that the light we wiſhed was entirely within the power of the executive to impart, if we had only been permitted to aſk for it. The reaſons that may have induced gentlemen to negative a requeſt apparently ſo juſt, and generally granted almoſt as a matter of courſe, I preſume not to conjecture: they had no doubt ſtrong ones, but were not ſo obliging as to communicate them to us. I wiſh not however to be underſtood, as making this a ſubject of complaint; it would be idle to do ſo. I know that power does uſually not only what it wills,

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but moſtly what it can; and the minority here, on any ſubject, inſtead of expecting favours, may think themſelves well off if permitted to retain and to exerciſe the rights guaranteed to them by the conſtitution of the country, and intrenched behind the rules of the Senate. If, therefore, on this occaſion, gentlemen have nothing to accuſe themſelves with, on the ſcore of a want of liberality, it is not my intention to charge them with injuſtice. It will be recollected, that the bill, as originally introduced on this ſubject, by the gentleman from Pennſylvania (Mr. Logan), was variant in every ſhape and feature from that now before us. The firſt bill I conſidered altogether impotent, and had little or no concern as to its fate; but that now under conſideration, as preſented by the committee, is of a very different complexion, and goes the full length of interdicting all commerce between this country and the iſland of St. Domingo. Neither in juſtice nor in wiſdom, ſir, is it the duty or the intereſt of this government to adopt the preſent meaſure. I do not, as ſome other gentlemen have profeſſed, conſider it a meaſure of policy, nor will I call it a meaſure of fear; but it certainly ſavours of the moſt timid prudence I have ever ſeen operating in this body, little calculated to acquire us honor abroad, or to prolong our peace at home; and if gentlemen have really perſuaded themſelves, that the deciſion we are about to make involves merely a queſtion of policy, in my humble opinion they moſt egregiouſly miſtake: no ſuch conſtruction will be given to it; none ſuch, give me leave to ſay, is it entitled to bear. The ſurrender of this commerce has never been aſked of us, as a temporary ſacrifice to the convenience and accommodation of France; but has been demanded of us, in the moſt inſulting and peremptory ſtyle, as a matter of right; and paſſing this bill, under preſent circumſtances, will be an acknowledgment of the right in France, to interdict us this trade: it will be a direct abandonment of all right to it on our part, and eſtabliſhing a precedent againſt ourſelves, that will be holden obligatory upon us in all future caſes of the ſame kind. In this aſpect, the ſubject muſt develope itſelf to every gentleman, as one of the utmoſt magnitude to the United States. If our commerce with St. Domingo was worth nothing, I would equally reſiſt the preſent meaſure: it is the principle I object to. I object, and will forever object, to the ſolemn recognition on the part of this government, of a right in foreign powers, that may, and hereafter will be ex-

ercifed, if now admitted, to the injury of the American commerce, and of the American character. If gentlemen will look for a moment about them, will attend to our poſition in the world, and to the colonial eſtabliſhments of the European nations around us, they cannot but be convinced, that caſes ſimilar to this muſt often happen: the ſooner, therefore, we take our ground, the better; the leſs difficulty we ſhall have hereafter; and ſurely, a more ſuitable opportunity than the preſent can never be expected to occur; eſpecially, ſir, when we reflect upon the moſt uncourtly, indignant, and domineering manner France has attempted to bully and terrify us into this meaſure of the gentleman from Pennſylvania. And the gentleman himſelf, yeſterday, unmaſked the bill. In his great zeal he told us that we had already tampered too long on the ſubject; that France had now demanded the meaſure of us, and its adoption had become a matter of neceſſity on our part. Degrading idea! Where then has gone our national honor, and our boaſted independence? What was this but to tell us, that ſuch is now our humbled ſtate, when France commands we have no alternative but obedience; and that even to deliberate is dangerous? [Here Dr. Logan obſerved he did not recollect uſing the word *demanded*, to which another gentleman anſwered, he certainly had.] I had expected, Mr. Preſident, as muſt have been the caſe with every other gentleman, that the honorable mover of this meaſure, (Dr. Logan), when he ſubmitted to the Senate, a propoſition of ſuch infinite importance, would have aſſigned at leaſt ſome plauſible reaſons for doing ſo; but we are now as much in the dark as when our attention was firſt called to the ſubject. The gentleman was indeed pleaſed to refreſh our memories by reading to us ſome old documents, that were preſented to congreſs at their laſt ſeſſion, which were then acted upon, and would perhaps never have been thought of again, but for his kindneſs and reſearch: not a ſingle argument, however, has been adduced, in ſupport of the bill, that has not for more than a year paſt been loſing what little force it might originally have contained; and moſt unfortunately for the mover, the very document upon which he principally relies, and to which he has ſo often referred us, furniſhes the ſtrongeſt argument againſt him: I mean the Preſident's meſſage to the laſt congreſs. That the Preſident ſhould have thought it neceſſary to call the attention of congreſs to this ſubject, at their laſt ſeſſion, and not at their preſent, as is the fact, ſhews moſt

diſtinctly his opinion, that whatever reaſons required at that time congreſſional interference, have ſince ceaſed to exiſt.

I will here curſorily premiſe, that I muſt be excuſed in paſſing over, without obſervation, the communications that have been recently made on this ſubject, by the French miniſter to our government, and by Mr. Talleyrand to general Armſtrong; they are of a kind not to admit of comments, without provoking ſuch animadverſions as the reſpect due to the exalted ſtations thoſe gentlemen fill, and to the government they repreſent, will not permit me to indulge myſelf in for a moment. One thing, however, I will ſay, that whatever influence their threats, and their invectives may acquire, certainly their arguments are entitled to none; for they have not condeſcended to uſe a ſingle one; but have taken, as granted, the very points in diſpute, viz. That the blacks of St. Domingo are the ſlaves of the French, and now in ſuch a ſtate of revolt that no nation has a right to trade with them. To theſe points I will preſently give ſome attention, after a few obſervations on the ſubject of our Weſt India commerce, generally, as connected with this queſtion.

It is well known, ſir, that a conſiderable portion of the commerce, which of late years has ſo rapidly enriched our citizens, and advanced beyond the moſt ſanguine calculations our national wealth, and political conſequence, has conſiſted in the increaſed intercourſe with the Weſt India iſlands; and this has ariſen chiefly from our neutral and neighboring ſituation toward thoſe iſlands: from the unreſtrained and enterprizing ſpirit of our merchants, and from a combination of circumſtances that have been ſufficient to involve, and continue in war for a number of years, the moſt commercial powers of Europe. So extenſive and valuable has our trade become in the Weſt Indian ſeas, that it has excited, and is daily increaſing the jealouſies of other nations; and certainly, in the ſame gradation, at leaſt, ſhould increaſe our diſpoſition to protect and to foſter it. But what, let me aſk, muſt be the inevitable operation of the meaſure now before us? To proſtrate completely, at a ſingle blow, the moſt valuable part of it remaining, and to jeopardize the whole. As if not content with the branches that have been lopped off by the Britiſh, the French, and the Spaniards, the gentleman from Pennſylvania, will himſelf now lay the axe to the root of the tree; and this too, at a moment when our commerce is approaching

the moſt crippled and ruinous condition; when the principal commercial nations of Europe, are exerting every effort ſhort of actual war, to cruſh it; when your table is loaded with the memorials of your citizens, complaining of the injuſtice and violence to which they are ſubjected, in every part of the world, and praying the protection of their government; when the Preſident of the United States is communicating to us, meſſage after meſſage, upon this very ſubject; when almoſt every mail that arrives, brings to us the unwelcome intelligence of ſome additional outrages upon the perſons, and the property of our countrymen; and ſcarcely a wind from any quarter of the globe but ſwells the catalogue of their grievances.

Our local ſituation, Mr. Preſident, gives to us advantages in the commerce of the Weſt Indies, over all the nations of the world; and it is not only the right and the intereſt, but it is the duty of this government, by every fair and honorable means, to protect and encourage our citizens in the exerciſe of thoſe advantages. If, in other reſpects, we purſue a wiſe policy, and remain abſtracted from the convulſions of Europe, that for many years to come are not likely to have much interval; enjoying, as we ſhall, all the advantages of peace wages, peace freight, peace inſurance, and the other peace privileges of neutral traders, we muſt nearly acquire a monopoly of this commerce. We can make uſually a treble voyage, that is, from this continent to the Weſt Indies, thence to Europe, and back to America again, in the time that the European veſſels are engaged in one Weſt India voyage. This circumſtance of itſelf, properly improved, at a period perhaps not very remote, whenever others of thoſe iſlands may be releaſed from, or refuſe longer ſubmiſſion to their preſent colonial reſtrictions upon commerce, will enable us to rival even the Britiſh, in tranſporting to the markets of Europe, the very valuable productions of the Weſt Indies, ſuch as ſugar, molaſſes, coffee, ſpirits, &c. Again, ſir, I ſtate nothing new, when I ſay, that the produce of this country is eſſential to the Weſt India iſlands, and the facility with which we can convey it to them, muſt at all times enable us to furniſh them much cheaper, than they can be furniſhed by any other people. It requires not indeed the ſpirit of prophecy to foretell, that the time muſt come, when the very convenient and commanding ſituation we occupy, in every point of view, relative to the moſt valuable of thoſe iſlands, will

place in our hands the entire control of their trade; that is, if we purſue a wiſe and politic ſyſtem of meaſures, in relation to them; holding faſt upon all the great advantages nature has given us, and promptly availing ourſelves of ſuch others as circumſtances may throw in our way. As a ſource of public revenue; as a means of increaſing our national capital; and though laſt, not leaſt, as a nurſery for our ſeamen, the importance of this commerce to the United States, is incalculable, and ſhould be guarded with a jealous eye; we ſhould never ſuffer our rightful participation in it, to be diminiſhed by others, much leſs, have the folly to diminiſh it ourſelves. Thoſe iſlands are ſituated in our very neighborhood, and but for the arbitrary colonial reſtrictions upon commerce, to which they are now ſubject, no other nation could hold a ſucceſsful competition with us in their markets, unleſs ſome ſuch illjudged, baleful, anti-commercial meaſure, as has now fallen to the genius of the gentleman from Pennſylvania to contrive, ſhould enable them to do ſo.

I will now, ſir, notice the relative hoſtile ſituations of France and St. Domingo, and ſee how far gentlemen are borne out in their poſitions. That the people of St. Domingo, can be conſidered only as revolted ſlaves; or at beſt, as French ſubjects now in a ſtate of rebellion. That they are nationally in no reſpect ſeparated from France. That to trade with them is a violation of the laws of nations, and that we have no right to do ſo. This, ſo far as I could underſtand them, forms a ſummary of the points that have been urged in ſupport of the preſent meaſure, and in oppoſition to the trade; each of which deſerves, reſpectively, ſome attention. If I am wrong in theſe points, the friends of the bill will pleaſe now to correct me; and I hope gentlemen will become convinced during the diſcuſſion, that the caſe, ſo many of them have ſtated, of any foreign power ſuccouring and protecting the revolted ſlaves of the ſouthern ſtates, is not the parallel of that before us. As to the firſt point, it is to be recollected, that ſome years paſt, to quote from high authority, "during the agonizing ſpaſms of infuriated man, ſeeking through blood and ſlaughter his long loſt liberties," when our enlightened ſiſter republic of France, was, in her abundant kindneſs, forcing liberty upon all the world, and propagating the rights of man at the point of the bayonet, in one of her paroxiſms of philanthropy, ſhe proclaimed, by a ſolemn decree of her convention, the bleſſings of liberty and equality

to the blacks of St. Domingo, too; invited them to the fraternal embrace, and to the honors of a conventional ſitting. The wiſdom, or the policy of this proceeding, it is not my buſineſs to inquire into, but it certainly affords ſome excuſe, if any be neceſſary, for the ſubſequent conduct of thoſe unfortunate people. The decree aboliſhing forever ſlavery in the French Weſt Indies, and extending all the bleſſings of citizenſhip and equality to every human creature, of whatever grade or color, then under the government of France, paſſed the convention in February, ſeventeen hundred and ninety-four; the exiſtence of ſuch a paper, I had not expected would have been denied here, 'till the gentleman from New Jerſey, (Mr. Kitchel), actually did ſo. In the new annual regiſter, of ninety-four, is the following account of it, page 347. "La Croix roſe to move the entire abolition of ſlavery in the dominions of France. The national convention roſe ſpontaneouſly to decree the propoſition of La Croix. On motion of Danton, on the 5th, the convention reſolved to refer to the committee of public ſafety, the decree of emancipation, in order, that they might provide the moſt effectual and ſafeſt means of carrying it into effect." But here is the decree itſelf, as taken from the gentleman's magazine, and furniſhed to me by a friend. "National Convention, 1794, February 4th. The national convention decrees, that *ſlavery is aboliſhed* in all the French colonies. It decrees in conſequence, that all the inhabitants of the French colonies, of whatever color, *are French citizens*, and from this day forward ſhall enjoy thoſe rights which are ſecured to them by the declaration of rights, and by the conſtitution." And this ſame principle the convention frequently recognized, by receiving at their bar, in the moſt complimentary manner, various deputations of blacks from the Weſt Indies, thanking them for the boon conferred upon them. One of theſe inſtances, among many others, I will ſubmit, as a curioſity in legiſlative proceedings, to the Senate. "National convention. Order of the day. A band of blacks of both ſexes amidſt the ſound of martial muſic, and eſcorted by a great band of Pariſians, came into the hall, to return thanks to the legiſlature, for having raiſed them to the rank of men. The Preſident gave the fraternal kiſs to an old negreſs, 114 years old, and mother of eleven children. After which, ſhe was reſpectfully conducted to an armed chair, and ſeated by the ſide of the Preſident, amid the loudeſt burſts of applauſe."

By the original decree, the liberty of the blacks was eſtabliſhed. This ceremony, it ſeems, was only to ſhew their equality; and certainly, ſir, the Preſident could not have given a much ſtronger, or a much kinder evidence of it to the old lady. But Mr. Preſident, the claim of thoſe people to freedom does not reſt here, I have in my hand, a document of much more recent date, and even more to be relied upon. It is the proclamation of the then firſt conſul, now the emperor and king, to the people of St. Domingo, when general Le Clerc went there, in the winter of 1801, at the head of the French forces, which I will read. Firſt, a ſhort proclamation of general Le Clerc's.

"LIBERTY. EQUALITY.

PROCLAMATION.

On board the Ocean, off the Cape, the 15th of Pluvoiſe, 10th year of the French Republic, (6th February, 1802).

LE CLERC,

General in chief of the army of St. Domingo, captain general of the colony.

TO THE INHABITANTS OF ST. DOMINGO.

Inhabitants of St. Domingo! Read the proclamation of the firſt conſul of the republic. It aſſures to the *blacks* that *liberty* for which they have ſo long fought; to commerce and to agriculture that proſperity, without which there can be no colonies. His promiſes will be faithfully fulfilled; to doubt it would be a crime.

The general in chief,

CAPTAIN GENERAL LE CLERC.

By order of the general in chief,

CAPTAIN GENERAL LENOIR.

Extract from the regiſter of the deliberations of the conſuls of the republic, Paris, the 17th Brumaire, 10th year of the French republic, one and indiviſible, (8th November, 1801).

PROCLAMATION.

THE CONSULS OF THE REPUBLIC TO THE INHABITANTS OF ST. DOMINGO.

Inhabitants of St. Domingo! Whatever may be your *origin* and your *color*, ye are all *Frenchmen;* ye are all *free* and all *equal* before God and the republic.

France, like St. Domingo, has been a prey to factions, and torn by civil and foreign wars. But all is changed! Every people have embraced Frenchmen, and have ſworn to them peace and friendſhip! All Frenchmen have likewiſe embraced each other, and have ſworn to be all friends and brothers. Come ye, alſo, and embrace Frenchmen, and rejoice to ſee your friends and your brothers of Europe.

The government ſends you the captain general Le Clerc; he carries with him great forces to protect you againſt your enemies, and againſt the enemies of the republic. If it ſhould be told you theſe forces are intended to tear from you your *liberty*, anſwer, the republic has given us *liberty*. The republic will not ſuffer that it ſhould be taken from us.

Rally round the captain general; he reſtores you abundance and peace. Rally round him: he who ſhall dare to ſeparate himſelf from the captain general, will be a traitor to his country, and the vengeance of the republic ſhall devour him as fire devours your dried canes.

Given at Paris, in the palace of government, the 17th Brumaire, 10th year of the French republic.

(Signed,) BONAPARTE.

By the firſt conſul,

(Signed,) H. B. MARET, *Secretary.*

A true copy,

LE CLERC, *Captain general.*

This, ſir, is proof irreſiſtible; after which it can never be ſaid that the liberation of thoſe people has been the raſh act, or the mere ebullition of the heat and convulſion of a revolution. We have here their liberty ſolemnly recogniſed and proclaimed to the world, eight years afterwards, by the man who was then and ſtill is at the head of the French government; or rather, who is now the government itſelf. I cite theſe papers to ſhew that the French have now no claim, either in right, in juſtice, or in law, to any portion of the people of St. Domingo, as ſlaves; that they are individually free, if the higheſt authorities in France could conſtitute them ſo, which will ſurely not be queſtioned; and in order to rebut a fallacious idea that has been taken up, and urged by ſome, that our merchants are conducting this commerce with ſlaves, the property of freemen, and not with freemen themſelves: thus ingeniouſly endeavouring to draw a diſtinction between the ſituation of St. Domingo and that of any

other colony that has ever heretofore attempted to separate itself from the mother country; to make their's, according to the language of the gentleman from Virginia, (Mr. Moor) a totally new unprecedented caſe, and in this manner to take them out of the humane proviſions of the laws of nations. I grant, ſir, their caſe does form a diſtinction from any other, and in this it conſiſts—the people of St. Domingo are fighting to preſerve not only their independence as a community, but their liberty as individuals; to prevent a degradation from the exalted ſtate of freemen to the debaſed condition of ſlaves, ſtruggling againſt the manacles that have been forged for them by the lawleſs ambition of power. We are told, however, they are at leaſt not free as a people, as a body politic; but in ſuch a ſtate of rebellion that no nation has a right to trade with them. Here it becomes neceſſary to underſtand each other as to the correct and definite import of words. Gentlemen in common parlance are apt to confound expreſſions of very different meaning, as has been ſtrikingly the caſe during the preſent diſcuſſion: hence the word rebellion has been ſubſtituted for, and uſed throughout, as if ſynonimous with civil war: but although rebellion is often the inception of civil war, there is a material diſtinction between the two. The former conſiſts in the mere unreaſonable inſurrection of certain diſcontented individuals; whereas the latter is a people ſeriouſly divided among themſelves, in a ſtate of war, each party being capable of making a certain military ſtand againſt the other; and this is preciſely the ſituation of France and St. Domingo at preſent, as will appear by the diſtinction taken in the books when applied to their case. Vattel's law of nations, b. 3, ch. 18, ſec. 292. "Cuſtom appropriates the term of *civil war* to every war between the members of one and the ſame political ſociety. If it be between part of the citizens on the one ſide, and the ſovereign, with thoſe who continue in obedience to him, on the other; provided the malcontents *have any reaſon for taking up arms*, nothing further is required to entitle ſuch diſturbance to the name of *civil war*, and not that of *rebellion*. This latter term is applied only to ſuch an inſurrection againſt lawful authority, as is void of *all appearance of juſtice*." And I will ſubmit with confidence to the high and honorable feelings of this ſenate, whether the human mind is capable of conceiving a ſtronger *reaſon* to induce a people to take up arms, than to reſiſt thoſe whoſe known object it is to reduce

them not only to political, but to perſonal ſlavery; or whether any other circumſtance could give, according to the language of this writer, an equal *appearance of juſtice* to their cauſe. The ſection thus goes on: "The ſovereign, indeed, never fails to beſtow the appellation of *rebels* on all ſuch of his ſubjects as openly reſiſt him: but when the latter have acquired *ſufficient ſtrength* to give him effectual oppoſition, and to oblige him to carry on the war againſt them according to the eſtabliſhed rules, he muſt neceſſarily ſubmit to the uſe of the term *civil war*." And certainly it cannot be ſaid, that the people of St. Domingo have not ſuch *ſufficient ſtrength*, when, after a war of ſo many years with France, we ſee them not only yet independent, but having now actually beſieged the only French force in their country. I might ſafely have reſted the correctneſs of the definition I have given of the term *civil war*, upon the four firſt lines only of the ſame ſection, the bearing of which too, upon the preſent queſtion, will be obvious to the mind of every gentleman. They are as follow: "*When a party is formed in a ſtate, who no longer obey the ſovereign, and are poſſeſſed of ſufficient ſtrength to oppoſe him*; or when in a republic the nation is divided into two oppoſite factions, and both ſides take up arms, this is called a *civil war*." Let us now, Mr. Preſident, attend to the preſent ſtate of St. Domingo; but firſt to the circumſtances that have led to it, and ſee how far this doctrine will apply. After the bands of the political ſociety that had connected France and her colonies together were broken aſunder; when the old government of that country was completely diſſolved, and one uſurpation ſucceeded day after day to the places and to the vices of another; when the axe of the guillotine had extinguiſhed the magic luſtre of royalty, and even that grace and beauty [a very ſuperb likeneſs of the late queen of France was hanging directly before him] that had reigned ſo long unrivalled, the pride and idol of the nation, had to yield herſelf to the rudeneſs of a common executioner, and was humbled in death before a ſcoffing multitude; when the conſtitution that had been recently eſtabliſhed by the voice of the nation, and under which it was hoped they would flouriſh and be happy, had fallen into the ruthleſs fangs of the jacobins, and the patriots who ſupported it had found refuge in exile, or mingled their blood upon the ſcaffold; when all rightful, civil and legal authority was at an end, the revolutionary ſabre alone gave law, the people of

St. Domingo, as did the people of theſe ſtates under other circumſtances, declared themſelves free and independent, determined to take their ſtand among the nations of the world, and now refuſe allegiance to any foreign power. They have organized a government for themſelves; they are de facto the governors of the country, and in every reſpect act as an independent people. They have waged, and carried on with France, for many years a moſt ſerious war, in defence of what they ſay are their rights; and the French by force of arms have been endeavouring to ſubjugate them. And now let me aſk, if the United States, or any other power upon earth, is competent to decide this great controverſy between them? They each claim to be free and independent, and therefore acknowledge no ſuperior: the ſtruggle is between themſelves, and no other nation has a right to interfere by direct acts of hoſtility, or by any *commercial reſtrictions* that can go to affect injuriouſly either of the parties, and to do ſo is a departure from neutral ground, and an infraction of the laws of nations, as I think will be within my power to ſhew from the moſt inconteſtible authorities. For this purpoſe I will advert again to Vattel. But firſt let me beg to be underſtood as not meaning to intimate an opinion, that a colony has not a right to ſeparate herſelf from the mother country, except in a time of ſuch univerſal confuſion. On the contrary, I believe ſhe has the right whenever ſhe has the power; or what amounts nearly to the ſame thing, whenever ſhe becomes ſo far ſeparated as to declare herſelf free and independent; to organize a government, to proceed in the adminiſtration of that government, and to take and purſue meaſures of ſelf defence. No other nation has a right to inveſtigate the claim ſhe ſets up to freedom: no other nation has a right to judge between the parties, or to ſay on which ſide belongs the juſtice of the caſe; it is excluſively an affair of their own, and it behoves the reſt of the world to ſtand aloof, the ſilent and impartial ſpectators of the conflict, treating in their commercial relations each of the parties with like civility.

Before I proceed to the caſes I had noted myſelf, I muſt beg leave to tender my acknowledgments to the honorable member from Maryland, on my left (Mr. Wright), for one, he has been ſo obliging as to read to us, and which will be found to be directly in the teeth of the argument he ſo triumphantly erected upon it. It is in Vattel, B. 3, ch. 18, ſec.

296. " Foreign nations are not to *interfere* in the internal government of an independent ſtate. It belongs not to them to judge between the citizens whom diſcord has rouſed to arms, nor between the prince and his ſubjects: both parties are equally independent of their authority." According to this caſe then, the people of France and the people of St. Domingo, are equally independent of our authority, and the gentleman adduced it to ſhew that we have no right to *interfere* in their quarrel. Thus far, ſir, we agree preciſely, and from this point diverge in preciſely oppoſite directions. Sir, the gentleman exactly miſtook the caſe: the *interference* here contemplated is not, as he ſuppoſed, a neutral's trading, but *refuſing* to trade with a belligerent, ſituated as are the people of St. Domingo, in relation to France: it is a neutral's withholding from one of the parties, what ſhe grants to the other; giving commercial aid and aſſiſtance to one, and denying it to the other. I will aſk the gentleman, if this bill, the object of which muſt be to ſtarve the people of St. Domingo into ſubmiſſion to their enemies, is not a direct and moſt ſerious *interference* in their quarrel? More ſo, Mr. Preſident, give me leave to ſay, than if you were to invade them with fleets and with armies. Sir, the very object of this caſe is to ſhew, that between belligerents, circumſtanced in relation toward each other, as are now the people of France and the people of St. Domingo, neutral nations are bound to obſerve the ſtricteſt impartiality; not to grant a benefit to one, that they withhold from the other; but to conduct their commerce with each, alike unreſtrained. And if the gentleman had examined the ſame ſection a few lines further, he would have found this broad principle laid down: that in the event of ſuch a civil war between citizens of the ſame country, or between a prince and his ſubjects, neutral nations are equally at liberty to aſſiſt either party, as if they were two independent nations embarked in war. This principle, and the conſtruction I have given to the gentleman's caſe, will be well ſupported by others, I ſhall now have the honor of ſubmitting to the Senate, from the ſame author. B. 2, ch. 4, ſec. 56. " When the bands of the political ſociety are broken, or at leaſt ſuſpended, between the ſovereign and his people, the contending parties may then be conſidered as two diſtinct powers; and ſince they are both equally independent of all foreign authority, no body has a right to judge between them. Either may be in the right." B. 3, ch. 18, ſec. 295. " When a

nation becomes divided into two parties abſolutely independent, and no longer acknowledging a common ſuperior, the ſtate is diſſolved, and the war between the two parties ſtands on the ſame ground, in every reſpect, as a public war between two different nations." Again, ſir, ſection 293, of the ſame book and ch. "A civil war breaks the bands of ſociety and government, or at leaſt ſuſpends their force and effect. It produces in the nation two independent parties, who conſider each other as enemies, and acknowledge no common judge. Thoſe two parties, therefore, muſt neceſſarily be conſidered as thenceforward conſtituting, at leaſt for a time, two ſeparate bodies, two diſtinct ſocieties. Though one of the parties may have been to blame, in breaking the unity of the ſtate, and reſiſting the lawful authority, they are not the leſs divided in fact. Beſides, who ſhall judge them? Who ſhall pronounce on which ſide the wright or the wrong belongs? On earth they have no common ſuperior. *They ſtand, therefore, in preciſely the ſame predicament, as two nations, who engage in a conteſt, and, being unable to come to an agreement, have recourſe to arms.*" I will now, ſir, cite another highly approved and more modern writer to the ſame point. Marten's law of nations, ch. 2, ſec. 10. "Suppoſe that the interior troubles of a ſtate, come to an open rupture between the ſovereign and his ſubjects, and that the whole nation, or part of it, ſhould wiſh to drive him from the throne: or, ſuppoſe that a *province or territory*, ſubjected to another ſtate, refuſes obedience to it, and endeavors to render itſelf independent: in either of theſe caſes, there are two points which muſt be ſeparated in determining on the conduct that foreign powers ought to obſerve. 1ſt. The conduct to be obſerved towards the old or new ſovereign, or towards the people who, after having revolted, have declared themſelves independent. 2dly. The aſſiſtance to be given to either party. With reſpect to the firſt of theſe, a foreign nation, not under any obligation to interfere, do not appear to violate its perfect obligations, nor to deviate from the principles of neutrality, if, in adhering to the *poſſeſſion*, without examining into its *legality, it treats as ſovereign, him who is actually on the throne, and as an independent nation, people who have declared, and ſtill maintain themſelves independent.* The oppoſite party, however, never fails to complain of this conduct, as long as he does not himſelf acknowledge, by treaty, the validity of ſuch poſſeſſion, or independence. As to the 2d point, viz. The aſſiſt-

ance to be given to either party; *when once obedience has been formally refuſed, and the refuſing party has entered into the poſſeſſio of the independence demanded, the diſpute becomes the ſame as thoſe which happen between independent ſtates.*"

Could authorities, Mr. Preſident, be more fully up to the caſe, or ſhew more unequivocally our right, or rather the juſt obligation upon us to obſerve towards France and St. Domingo, during their preſent conflict, the ſtricteſt impartiality? For I contend, and the caſes I have cited go the full length of proving it, that they are to be conſidered, by us, in every reſpect, as two independent nations; two diſtinct powers at war; and as ſuch, it is our right and our duty to treat them. The rights and the duties of neutrals, in ſuch circumſtances, are ſo conciſely and explicitly pointed out in the volumes I have juſt referred to, that I muſt be permitted to trouble the Senate with a few ſections on theſe ſubjects likewiſe. Vattel, book 3, ch. 7, ſec. 111. "Let us now diſcuſs another caſe; that of neutral nations reſorting to my enemy's country for commercial purpoſes. It is certain, that as they have no part in my quarrel, they are under no obligations to *renounce their commerce*, for the ſake of avoiding to *ſupply my enemy* with the means of carrying on the war againſt me. Should they affect to refuſe ſelling me a ſingle article, while at the ſame time, they take pains to convey an abundant ſupply to my enemy, with an evident intention to favor him; ſuch partial conduct would exclude them from the neutrality they enjoyed. But if they only continue their cuſtomary trade, they do not thereby declare themſelves againſt my intereſt; *they only exerciſe a right which they are under no obligation of ſacrificing to me.*" Same ch. ſec. 118. "A neutral nation preſerves, towards both the belligerent powers, the ſeveral relations which nature has inſtituted between nations. She ought to ſhew herſelf ready to render them every office of humanity reciprocally due from one nation to another. She ought in every thing, not directly relating to war, *to give them all the aſſiſtance in her power*, and of which they may ſtand in need. Such aſſiſtance, however, muſt be given with *impartiality*; that is to ſay, *ſhe muſt not refuſe any thing to one of the parties, on account of his being at war with the other.*" It ſeems indeed ſuperfluous, ſir, but I will here refer once more to Marten, book 8, ſec. 8, in treating of neutral commerce, according to the univerſal laws of nations, he ſays: "One of the moſt important points to be conſidered, in treat-

ing of the laws of neutrality, is, the commerce carried on between neutral and belligerent nations. The right that a nation enjoys, in time of peace, of ſelling and carrying all ſorts of merchandiſe to every nation that chooſes to trade with it, it enjoys alſo in time of war, provided, it remains neuter. It follows, then, that a neutral nation may permit its ſubjects to carry all ſorts of merchandiſe, including arms and ammunition, to the powers at war, or to that of them, with which this commerce may be carried on to the greateſt advantage. *So long as the ſtate, that is, the ſovereign power, in a neutral nation, does not interfere, by prohibiting commerce with either or all the powers at war, ſo long, it would ſeem, the nation does not tranſgreſs the laws of neutrality.*" The univerſal laws of nations, which formerly licenſed neutrals in carrying arms and ammunition, or other articles, properly contraband, to a belligerent, have been modified in that particular, by the modern laws of nations, as may be ſeen in ſec. 12, of the ſame book and chapter.

From all theſe caſes, Mr. Preſident, I am well warranted in the following deductions: 1ſt. That when the bands of government among a people, by means of civil war, become broken, or for a time ſuſpended, the two parties are to be conſidered, at leaſt during the conteſt, as two diſtinct powers, as two independent nations who, being otherwiſe unable to ſettle their diſputes, make a ſolemn appeal to arms. 2d. That a *revolted colony or province*, whilſt holding and exerciſing the rights of ſovereignty, is to be treated by neutral nations as an independent people, without regarding the legality or illegality of their claim to ſuch independence; and 3dly. That in the diſputes of ſuch belligerents, neutrals have no right to interfere, either *commercially* or otherwiſe, to the injury of either; but are bound to conduct themſelves with the ſtricteſt impartiality towards both. And here, ſir, we arrive preciſely at the point. The preſent queſtion ſeems to be the very focus in which the rays of light emitted from theſe caſes naturally meet. They are too plain to require, or even admit of elucidation. I will leave every gentleman to apply them for himſelf. According to my underſtanding they have only to be read or to be heard, in order to attach themſelves immediately to the ſubject of our preſent conſideration. It clearly reſults then, that we have not only the right, but that we are bound by the laws and uſages of nations, to conduct our commerce with St. Domingo, during

exiſting circumſtances, preciſely as we ſhould with any independent foreign power that might happen to be engaged in war, and that a contrary conduct, ſuch as that now propoſed, would be on their part a juſt cauſe of complaint, and even of aggreſſion againſt us. And I hope it will never be ſaid, that this government, which, according to the polite conceſſion of the French miniſter, "has taken for the baſis of its political career, the moſt ſcrupulous equity, and the moſt impartial neutrality," will now commit an act in open and direct violation of both; and becauſe the people of St. Domingo may at preſent be unable to enforce right and juſtice, do them wrong and injuſtice.

The gentleman from Pennſylvania fartheſt from me, (Mr. M'Clay) in ſearch of arguments to ſupport this meaſure, has travelled back to the firſt years of the American revolution. There I will reſort too, ſir, and I truſt with better ſucceſs. In the conduct both of France and of England, at that time, we ſhall find a precedent directly in ſupport of my argument. After theſe colonies had revolted againſt the authority of Great Britain, France continued uninterruptedly her commerce with them, other than ſuch as was contraband, till the 6th of February, 1778, when ſhe entered into a treaty of amity and commerce, and another of alliance, eventually to become a treaty offenſive and defenſive, with us, under the ſtyle and character of the thirteen United States. In the firſt article of the treaty of alliance, France expreſsly aſſerts her right to navigate, and carry on commerce with the colonies, and declares, that if the Britiſh ſhould, "*in violation of the rights of nations*, attempt to hinder that navigation and that commerce," ſhe would make it a common cauſe. But to prove unequivocally what was then the opinion of France on this ſubject, I will refer to one of her own ſtate papers. In the annual regiſter for 1778, p. 299, is the note of the French miniſter De Noailles, dated London, March 13th, 1778, communicating to the Britiſh government the treaty of amity and commerce entered into between France and theſe ſtates, part of which is as follows: "The United States of North America, who are in full *poſſeſſion of independence*, as pronounced by them on the 4th of July, 1776, having propoſed to the king to conſolidate, by a formal convention, the connection begun to be eſtabliſhed between the two nations, the reſpective plenipotentiaries

have ſigned a treaty of friendſhip and commerce, deſigned to ſerve as a foundation for their mutual good correſpondence.

"In making this communication to the court of London, the king is firmly perſuaded it will find new proofs of his majeſty's conſtant and ſincere diſpoſition for peace; and that his Britannic majesty, animated by the ſame ſentiments, will equally avoid every thing that may alter their good harmony; and that he will particularly take effectual meaſures to *prevent the commerce between his majeſty's ſubjects and the United States of North America from being interrupted*, and to cauſe all the uſages received between commercial nations to be in this reſpect obſerved, and all thoſe rules which can be ſaid to ſubſiſt between the two crowns of France and Great Britain." So that it clearly appears France then conſidered herſelf as not only having a right to trade, but publicly to enter into a commercial treaty with the revolted colonies of Great Britain, upon the ground that they were, for the time at leaſt, holding and exerciſing the rights of independence. And yet we are now told by the French miniſter, that to trade with a revolted colony of France, notoriouſly in the full poſſeſſion and exerciſe of ſovereign authority, is "an infraction manifeſt of law the moſt ſacred, and the beſt obſerved by every nation under the dominion of civilization." And gentlemen will find by referring to the juſtificatory manifeſto of the Britiſh government, to be ſeen, I think, in the annual regiſter for 1779, that their acts of hoſtility were not commenced againſt France in conſequence of any commerce ſhe did or might carry on with the colonies, but upon the ground of theſe treaties, and of Mr. De Noailles's note, which in the manifeſto is called an open declaration of war, it being an overt act of France, acknowledging the independence of theſe ſtates. The gentleman from Pennſylvania, (Mr. Logan) however, tells us, that trading with St. Domingo, may involve us in a war, and therefore we had better quit it. This argument, ſir, would have equal force if urged againſt a peaceable man's going out into the ſtreet, leſt ſomebody ſhould knock him down. But as another means of endangering our peace, he has told us further, that our merchants ſend arms and ammunition to St. Domingo. This, indeed, if ſo, I confeſs is to be regretted, and I wiſh could be prevented. It is, however, at their own riſk, unſanctioned by the government; they know and muſt abide the conſequences. Such articles, if taken, are liable to confiſcation; and this is the courſe purſued every

day throughout the world, under ſimilar circumſtances: it is a control over the commerce of neutrals allowed to belligerents by the laws of nations, and has grown out of the neceſſity of the caſe. But who ever heard of a nation being involved in war, becauſe a private citizen or ſubject, of his own mere will, was pleased to ſell arms and ammunition to one of the belligerents? If the gentleman's doctrine be correct, to what point would it, or rather would it not carry us? Whenever any two foreign powers may chooſe to engage in war, we ſhall be under the neceſſity of interdicting all commerce abroad, on the part of our citizens, leſt ſome raſh adventurous merchant, by vending articles contraband to one of the parties, ſhould likewiſe involve us in the conteſt. Sir, ſuch a principle, if I may uſe the expreſſion, ſuch a phantom of a principle, had never before even the ſhadow of exiſtence: its palpable abſurdity will not bear the teſt of a moment's inveſtigation: whereas the principle I have had the honor of ſtating, in relation to contraband goods, is not only that which governs among nations generally, and bottomed on the laws of nations, but is explicitly recogniſed in the 13th article of our treaty with France, in which, after particularizing the articles that ſhall be deemed contraband between the parties, it is thus expreſsly ſtated: "All the above articles, whenever they are deſtined to the port of an enemy, are hereby declared to be contraband, and juſt objects of confiſcation; but the veſſel in which they are laden, and the reſidue of the cargo, ſhall be conſidered free, and not in any manner infected by the prohibited goods, whether belonging to the ſame or a different owner." If then, Mr. Preſident, there is any faith or confidence to be repoſed in treaties, the honorable member may quiet his fears, as to the danger of private adventures of this kind, involving the nation in a war with France; the two powers anticipating the evil, have wiſely provided, in this compact, a milder remedy for it.

I muſt here inquire, if as gentlemen contend, it is not now lawful to carry on commerce with the people of St. Domingo, when it may probably become ſo? Suppoſe, for inſtance, the French ſhould continue this inefficient kind of warfare upon them, if even ſuch it may be conſidered, for a century to come, holding as at preſent but a ſingle post in the iſland, whilſt the natives are in full poſſeſſion of the ſovereignty of the country, and adminiſtering a regular government? Will it be ſaid under ſuch circumſtances that no nation is to be allowed to

trade with them for a century to come? Or will gentlemen hold them as rebels to all eternity, and never ſuffer the reſt of the world to have intercourſe with them? Sir, thoſe people will never be reduced by general Ferrand's war of proclamations; and whilſt on this ſubject, I muſt be permitted to expreſs my aſtoniſhment at a very extraordinary document of this kind, that has been recently laid upon our tables, ſigned by general Ferrand, and purporting to be a proclamation, or decree of his, directed chiefly at the citizens and commerce of the United States. It is, indeed, throughout, calculated to inſpire no other ſentiment than contempt; the arrogance and preſumption of its ſtyle and manner is equalled only by the emptineſs of its threats. *General Ferrand*, ſhut up in the city of St. Domingo, with ſcarcely the power of conveying his proclamation beyond the redoubts of his garriſon, undertakes to preſcribe, to all the neutral nations of the earth, the extent of their rights, and the manner in which they ſhall conduct their commerce; and expreſſes truly, great ſurpriſe that *his* former decree on the ſubject had not been better attended to by them; in which, as he ſays *he* had "left no doubt as to the ſentiments of reſpect due to the freedom of navigation and neutral rights." As if the navigation, the commerce, and all the rights of neutral nations depended now, upon the caprice of a French officer, and were, like the police of a camp, to be ſettled by general orders. And this ſame captain general, as he calls himſelf, pro tempore, beſieged by a parcel of unarmed, undiſciplined, half ſtarved negroes, without the means of making even a ſortie upon them, talks of the "*impudence*" of our public officers, and threatens with the vengeance of his mighty arm, all the people of the United States that go contrary to his orders. Sir, I can liken this proclamation to nothing but the idle vapourings of a fettered maniac, menacing, from the grates of his cell, the overthrow of the world. If the Pope had iſſued a bull of excommunication againſt the whole of us, it could not have been half ſo ridiculous as this proclamation, upon which the gentleman from Maryland, on my left, (Mr. Wright) has inadvertently reſted as one of the ſtrong holds of his argument; telling us, to uſe his own words, that it was a requiſition too imperious to be reſiſted. Then, ſir, ſuch is the ground we now occupy among nations, that the mandate of a French officer, beſieged in the Weſt-Indies by a rabble of ſtarving negroes, is a requiſition too imperious for us to reſiſt. Were I of opinion with that

honorable member, I ſhould at once be for ſoliciting the protection of thoſe blacks, and praying of them, in Heaven's name, to keep where he is, this mighty warrior, this terror of our land; but thinking as I do, ſir, the imperious manner of this decree is one of the reaſons why I would not only reſiſt it if neceſſary, but treat it with the moſt marked and ſovereign contempt. General Ferrand might have been ſerious in writing ſuch a proclamation, or decree, expecting it to have ſome operation upon the feelings and the fears of the ignorant blacks of St. Domingo, but he certainly, even himſelf, could never have been crazy enough, for a moment to ſuppoſe, that any citizen of the United States, arrived at years of maturity, or rather of diſcretion, would be ſerious in reading it, or that the government of this country would give it a moment's ſerious conſideration.

As a ſample, Mr. Preſident, of what this proclamation ſoldier would do, it may not be amiſs, whilſt his decree is before us, to examine a few of its moſt prominent features. By the firſt article, all neutral veſſels, bound, or plauſibly ſuſpected to be bound to, or coming from, what he calls the rebel ports, are liable to *detention;* that, in the Weſt Indies, means *condemnation.* By the 8th article, the officers, paſſengers and crews of ſuch veſſels are directed to be ſent, as ſoon as poſſible, *priſoners* to the city of St. Domingo, to be *proſecuted according to the rigor of the laws.* And by the 13th article, a privateer taking one of your veſſels from any port in poſſeſſion of the blacks, is exempted from all duties upon his prize. Here, indeed, it would ſeem, as if general Ferrand, in the vauntings of his omnipotency, had ſuſpended, for a time, the laws of nature and of nations, the ſacred obligations of treaties, and even the principles of right and juſtice, in order to ſettle this great queſtion, uninfluenced by any of their embarraſſing regulations. He has threatened your citizens with the ban of the empire: he has condemned your commerce before it leaves your ports; and, as if the acknowledged prince of pirates, has proclaimed a reward to all ſuch of them as will plunder you. Among the many very extraordinary parts of this moſt extraordinary document, that is not the leaſt ſo, in which reference is made to the treaty between France and the United States: a garbled quotation is given of the 26th article, and then a caſe is made to ſuit it. We are told, that "Veſſels armed under the American flag, daily convoy and ſail in concert with veſſels of the negroes, bearing a flag un-

known amongſt the civilized powers, and conſequently pirates." This, I confeſs, is a circumſtance I had never heard of before, and to my mind almoſt incredible, that the citizens of the United States ſhould be ſo blind to their intereſt, as to become the mere protectors and encouragers of others, in carrying on a commerce, that they could carry on themſelves to ſo much greater advantage, eſpecially, when the riſk to them is preciſely the ſame; and that thoſe negroes ſhould hazard their veſſels, their liberties, and their lives, in tranſacting a buſineſs that neutrals are every hour willing, ready, and waiting to tranſact for them. But even admitting the fact; admitting for argument ſake, that certain negroes of the Weſt Indies may have acted as pirates, and that ſome veſſel or veſſels of this country, may have afforded them protection upon the high ſeas. Is this any ground upon which to inhibit the whole commerce between the United States and St. Domingo? Would any citizen or citizens of the United States, becoming pirates upon the coaſt of England, or trading, combining, or confederating with pirates there, which by the 8th ſtatute of George the firſt, is made the ſame thing, be any juſtification, on the part of that government, to interdict all intercourſe with this country? No man in his ſenſes can believe or ſay ſo. It could not, ſir, however, have eſcaped the attention of the Senate, that this circumſtance, ſo much relied upon by general Ferrand, has never been even hinted at, either by the French miniſter, or by Mr. Talleyrand, in their recent communications on this ſubject to our government: and it would be paſſing ſtrange, indeed, if Mr. Talleyrand, of all other men in the world, ſhould paſs over unnoticed, an occurrence of this kind, if true, when for the want of cauſes of complaint, he had to make a dinner, and the toaſts of ſome private company in the city of New York, the ſubject of one of them. An affair with which, Mr. Talleyrand knows well, that this government, or any other free government, could have nothing more to do, than they had with a complaint that was made by Mr. Adet, againſt our almanac makers, for placing in their almanacs, the name of the Britiſh miniſter before his. But gentlemen will find, by attending to the 26th article of the treaty, that it has little or no connexion with the preſent queſtion; ſcarcely more relation to it than any text in the apocrypha, but was introduced merely for the puniſhment of thoſe who ſhould "receive, protect, harbor, conceal, or aſſiſt, any pirates within the ports, havens or

towns," of either of the countries, reſpectively. It is not, ſir, the 26th, but the 12th article of the treaty, that bears upon our preſent ſubject, part of which I muſt beg leave now to read. Article 12th. "It ſhall be lawful for the citizens of either country to ſail with their ſhips and merchandiſe (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to ſail and trade with their ſhips and merchandiſe, with perfect ſecurity and liberty, from the countries, ports and places of thoſe who are enemies of both, or of either party, without any oppoſition or diſturbance whatſoever, and to paſs not only directly from the places and ports of the enemy, aforementioned, to neutral ports and places, but alſo from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the juriſdiction of the ſame power, or under ſeveral; unleſs ſuch ports or places ſhall be actually blockaded, beſieged, or inveſted." Here, ſir, is given to us explicitly the right, as a neutral nation, of trading with all the enemies of France, and it certainly will not be denied, that the people of St. Domingo are ſuch, and not only of trading directly from this country to theirs, but from any one of their ports to any other. If this be not the plain meaning of the article I have read, there is no meaning in words: a treaty is a mere chart blanch, into which every ſpeculative politician may foiſt his crude opinions. Our right then, ſir, to this commerce, does not depend merely upon the laws of nations, but upon the ſolemn obligations of this inſtrument, that no ſophiſtry can evade, nor obſcure with the ſhadow of a doubt.

I hold, therefore, this trade to be lawful; that we have a right to carry it on; and if, in doing ſo, we are annoyed and robbed by pirates, we have another right, that of arming in order to keep ſuch people off. What do we arm for, ſir? Is it to fight the French? to inſult the flag? to diſtreſs the commerce? or to diſturb the quiet and repoſe of any nation? No ſir: our conduct in this reſpect is ſanctioned by the firſt law of nature. It is upon the ſame principle that a private citizen would prepare himſelf againſt the apprehended attacks of a high-way robber, or a midnight aſſaſſin. It is to defend our property and our lives againſt the rapacity and violence of a horde of pirates, who are notoriouſly armed every hour to aſſault them, and whoſe conduct no nation will avow, puniſh or atone for.

We have been exultingly told by Mr. Talleyrand, and it has been echoed from this chamber by the gentleman from New York, (Mr. Mitchell) that even the Britiſh conſider St. Domingo a colony of France, and upon this principle condemn our veſſels for trading there. I grant that ſuch a pretext, among many others, has been reſorted to in order to deſtroy our commerce; I grant that ſuch an infringement of our neutral rights has been committed, and the reaſons that have induced it muſt be obvious to the moſt ſuperficial obſerver. The Britiſh wiſh a monopoly of this commerce themſelves; and thoſe ſame Engliſhmen who now condemn our veſſels for trading to St. Domingo, upon the ground of its being a French colony, heretofore, when it ſuited their pupoſes, ſo far acknowledged the independence of thoſe very people as to enter into a commercial treaty with them, and are now, not only in the conſtant practice of trading there themſelves, but of granting licenſes to others to do ſo. I hope, however, the day has not come when our commerce is to be under the controul of the lords of the admiralty, or our national rights dependent upon the judicial opinions of ſir William Scott; and the learned gentleman from New York muſt indeed have been preſſed with the barrenneſs of his caſe, when he had to reſort to ſuch an argument, derived from ſuch a ſource. The gentleman from New Jerſey, (Mr. Kitchell) I muſt in candor ſay, has, in ſupport of the preſent meaſure, aſſumed premiſes totally new and different; his reaſons, like moſt of thoſe we have been accuſtomed lately to hear, were in the true ſtyle of modern legiſlation, enveloped in all the myſteries of ſecrecy. He tells us that we had better give up this commerce, becauſe it is not valuable. Where the gentleman obtained this piece of information is utterly beyond the comprehenſion of my underſtanding: none ſuch, certainly, has ever been laid before us; nor did he condeſcend to give us a clue to its ſource; but as if ſufficient, to urge it upon our faith with all the confidence of apoſtolic inſpiration: to us who doubted he refuſed even an opportunity of acquiring knowledge through any other channel; voted againſt the propoſitions of my friend and colleague, which went to aſk of the executive the actual ſtate of this commerce, and to aſcertain its real value. To do ſtrict juſtice to the gentleman's argument, it is ſimply this, that whenever any foreign power may pleaſe to demand of us the ſurrender of a right, however juſt and honeſt it may

be; however it may comport with the dignity of the government to preſerve it; if, in a pecuniary point of view; if upon a cool peddling calculation of riſk, profit and loſs, it cannot be deemed of high value, we are at once to give it up. This argument, I will confeſs, ſir, is worthy of the bill. So ſtriking, and of ſuch a kind is their affinity, that they ſeem peculiarly calculated to expoſe each other, and to excite in every mind valuing the honor, the dignity and the character of the nation, like ſentiments of diſguſt. The caſe cited by the gentleman from Pennſylvania (Mr. M'Clay) of the Indians, I think in 1755, under the avowed authority, direction and ſupport of the French government, ravaging our frontiers, ſurely can have no relation to the queſtion before us. Has this government ever furniſhed arms and ammunition, or done any other act in order to aſſiſt and encourage the people of St. Domingo in attacking the countries of their neighbors? I cannot conceive what ſubject, that might have been before congreſs during our preſent ſeſſion, the gentleman muſt have had in his mind, to which he ſuppoſed this caſe could apply; certainly not the preſent; it is infinitely more diſtant in point of analogy than of date. I have been exerting my imagination to diſcern any object or bearing it can have, that I might endeavor to meet it, but the total impoſſibility of the one, will ſave me the trouble of the other.

A few words now, Mr. Preſident, as to the impolicy of adopting the preſent meaſure. I fear and believe it will have a tendency to increaſe one of the great evils at preſent ſo much complained of by our merchants; the number of pirates and freebooters in the West Indian ſeas. It will have the further effect, of throwing into the hands of other nations, eſpecially the Britiſh, a valuable commerce at preſent conducted by our own citizens. But there is another far more ſerious conſequence which, in all human probability, may reſult from it, and to which I beg leave to call the attention of the gentlemen from our ſouthern country. With the people of St. Domingo we are now at peace: the advantages of our commerce to them, and their immediate dependence upon us for the neceſſaries of life, form the ſtrongeſt ſecurity we could poſſibly aſk, or have, that no act of hoſtility will be attempted, on their part, toward us, whilſt we continue to treat them as heretofore; but only reſtrict or embarraſs your commerce with them; only paſs a meaſure like the

preſent, and you wound them in the tendereſt part: they will ſee you, without provocation, aiming a blow at their very vitals; and will conſider you as having abandoned your neutral ground, and sided with their enemies. What will be the conſequence? Does any gentleman ſuppoſe that nearly a million of people will patiently ſtarve when the ſeas around them are covered with our defenceleſs merchantmen, laden with proviſions? No, ſir, impoſſible!! In addition, then, to the renegados that at preſent prey upon you there, you immediately bring upon your trade a whole nation of pirates. Thoſe people are now content to ſtay at home, to till their own fields, to fight their own battles, and to depend upon us for ſupplies. I do not wiſh to ſee their views extend further. I do not wiſh to ſee them navigating the ocean, or taſting the ſweets of maritime plunder: ſuch things are much eaſier learned than forgotten; much more readily reſorted to than given up; and I conſider the general commerce and proſperity of the United States, but more eſpecially the delicate ſituation of our ſouthern country, viewing its particular deſcription of population, and convenience to them, as impoſing upon us the ſtrongeſt obligations to offer them no inducements to reſort to either. Whatever intercourſe takes place between us, I wiſh to be in their own ports, and will never do an act that ſhall have a tendency to bring to our ſhores ſuch viſitors, either as friends, or as enemies; and I believe this is the true courſe to avoid the calamity which ſome gentlemen ſeem ſo much to apprehend, and which I ſhould deprecate as ſincerely as any man.

I rejoice that the preſident has expreſſed, in his late meſſage, a diſpoſition to take into the protection of the government, the commerce of the United States, though little has yet been done, or attempted. This project of the gentleman from Pennſylvania I hope forms no part of the new ſyſtem, and he would have acted wiſely, before he ſubmitted it, to have examined better its conſequences, and to have looked, for a moment, at the preſent condition of our commerce. What is it? Plundered upon every coaſt, and in every ſea: your flag, inſtead of being a protection againſt inſult, ſeems to have become an invitation to injury: the Britiſh, the French, and the Spaniards, in the ratio of their force, treat *us* with like indignities: this is the only point in which they can agree. The former have adopted, and openly avow a ſyſtem of meaſures that, if not counteracted, muſt go to deprive us of the

moſt important of our neutral rights; whilſt the two latter are anxiouſly rivalling each other in the moſt lawleſs and piratical depredations upon our defenceleſs trade; even the commiſſioned veſſels of our government have not been ſuffered to paſs the high ſeas without inſult and violence. The Britiſh and the French, whenever it ſuits their views, blockade our very ports: the Britiſh take their poſition off New York, ſo as to be convenient to the courts of Halifax; and our friends, the French, to whom the gentleman from Pennſylvania has told us we ſhould be ſo particularly civil, take, occaſionally, into their holy keeping, the commerce of Charleſton and New Orleans, ſo as to be at a convenient diſtance from the Britiſh. Our trade with St. Domingo, indeed, the French have not been able to ſtop, nor have even the Britiſh yet aſſumed to themſelves this maritime right; but the gentleman from Pennſylvania, in his great good faith, and abundant charity, will now anticipate their wiſhes, and do it for them. This, indeed, ſurpaſſes even chriſtian meekneſs; it is not only, when ſmitten upon one cheek, turning the other alſo, but chaſtening ourſelves, with more than monkiſh ſeverity, in the moſt vulnerable part.

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